D.B. CIVIL SPECIAL APPEAL NO.194/2006

State of Raj. & Anr. **Vs**. The Rajasthan Civil Services Appellate Tribunal & Ors.

Date 22.03.2006

PRESENT

HON'BLE MR.JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P. VYAS

Mr. L.R. Upadhyay, Dy. Govt. Advocate.

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Heard learned counsel for the appellant.

The S.B. Civil Writ Petition No.1124/1999 stood dismissed as a result of peremptory order passed by the Court as the petitioner had not filed process fee and notices. The restoration application too has been dismissed by the learned Single Judge by holding that the requisites have not been filed.

We are of the opinion that the litigant should not suffer only for the reason that the requisites have not been filed. The requisites could have been ordered to be filed along with the restoration order.

Since the writ petition has not advanced from the stage of admission, the service of respondents for the purpose of this appeal is dispensed with. The appeal is allowed. The judgment under appeal is set

aside. The S.B. Civil Restoration Application No.71/2005 filed by the appellant-State is allowed and S.B. Civil Writ Petition No.1124/1999 is restored to its original number on payment of cost of Rs.250/- and on filing the process fee and notices within a week, failing which this appeal shall stand dismissed.

[R.P. VYAS], J. [RAJESH BALIA], J.

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